

October 19, 2010

A regular Meeting of the Town Board of the Town of Harrison, Westchester County, New York was held at the Municipal Building, 1 Heineman Place, Harrison, NY, Westchester County, on the 19th day of September, 2010 at 7:30 PM, Eastern Daylight Savings Time. All members having received due notice of said meeting:

MEMBERS PRESENT:

Joan B. Walsh Supervisor

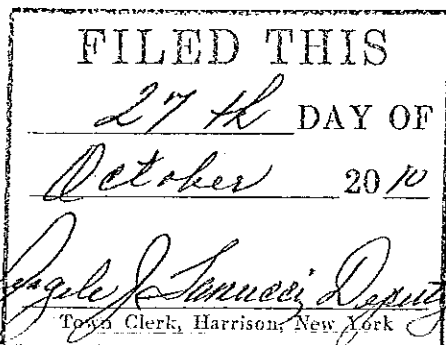
Joseph Cannella)
Fred Sciliano) Councilpersons
Patrick Vetere)
Marlane Amelio)

ALSO ATTENDING:

Frank Allegretti Town Attorney
Fred Castiglia Deputy Town Attorney
Robert Paladino..... Village Attorney
Jonathan Kraut Deputy Village Attorney
Maureen MacKenzie Comptroller
Michael Amodeo Town Engineer
Anthony Marraccini Chief of Police

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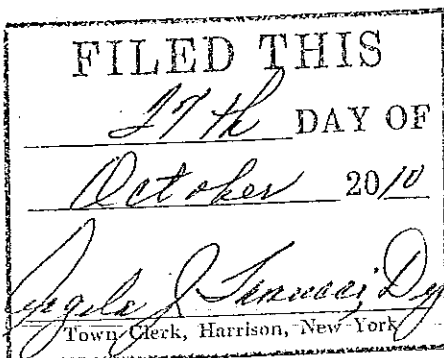
PRESENTATION BY VETERAN'S OFFICER BEN DEFONCE
RE: MEMORIAL DAY PARADE

Veteran's Officer Ben DeFonce invited the Board Members and the residents of Harrison to join all Veterans at the Veteran's Memorial Day Parade, November 11, 2010 at 10 AM in West Harrison beginning at Underhill Avenue to the Honor Roll on Main Street where wreaths will be placed.

Mr. DeFonce requested a moment in silence to honor Bernie Guagnini and Vic Allegretti.

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REPORTS BY SUPERVISOR JOAN B. WALSH

Supervisor Joan Walsh stated that she has received numerous phone calls regarding Verizon FIOS and the dispute between Verizon and Cablevision. Complaints were made that residents would not be able to watch the Yankee game tonight.

Mrs. Walsh stated that when she was voted into office in 2008 Cablevision did not have a contract and Verizon had filed an application for a franchise. Village Attorney Robert Paladino was asked to negotiate a contract between Cablevision and Verizon that would be best suit the interests of the town. Unfortunately it didn't work out that way.

Village Attorney Robert Paladino explained that cablevision has been the only provider of cable services to the town. It goes back to the Adams Russell days. They've enjoyed the monopoly of the town for this entire period. Negotiations began with Cablevision and FIOS Verizon at the same time. At this time, we are required by law to maintain a Public Educational Government (PEG) studio which would allow the community or anyone who would like to put on a cable show, to do so on Channel 74 or/and 75. Right now that studio is maintained exclusively by Cablevision on Purdy Street. Anyone who would like to broadcast a cable show could do so by contact Attorney Robert Paladino or Paul Valentine. Cablevision as the only provider provides that studio to Harrison at no charge, once Verizon came into Harrison, Cablevision's obligation to fund the studio ceased. An outside consultant conducted a study for the town stating that a projected capital cost of \$1,600,000. Viewing it, and some of the provisions, the town was able to project down to \$900,000. Our goal was to get \$900,000 from Cablevision and Verizon over a span of ten years that would help Harrison pay for the studio. Cablevision agreed to their half, \$450,000, which was put into a franchise agreement, the town was able after thirteen years to sign a contract with Cablevision and send it to the Public Service Commission for approval. Verizon, unfortunately, decided at the last minute that they no longer wanted to pay Harrison the going rate. The same rate that was being paid to the other communities in Westchester County and made a proposal to the town that would have left us (the town) about \$100,000 to \$150,000 a year over that ten year period short. Cablevision had a provision in their contract stating that if Verizon paid less, so would they. The \$100,000 to \$150,000 shortfall in the Verizon contract would have transferred into a \$300,000 shortfall. That would have meant that the town would have had to pay to build a studio, which was not an acceptable alternative. Verizon has told the Supervisor and Mr. Paladino that they are not interested in a franchise in the town of Harrison, they are concentrating their efforts on those communities where they sign franchise agreements, they're trying to complete those under the time frame they have under the contract and as of now we are engaged in no negotiations or discussions with Verizon. Somewhere between 94 and 97% of the town is wired for FIOS. That means 94 to 97% of the town has the capability to receive cable TV services from Verizon. Because if you can get internet and phone you could get Cable TV. This is an instant revenue source for them (Verizon) all they have to do is sign the agreement with Harrison, start marketing and they can immediately, with no capital costs, begin to collect revenue from Cable TV services. One wonders, why someone wouldn't want to instantly begin to collect from a facility that's been built out and fully operational and has been so for many years. A negotiation is not possible.

Councilman Cannella stated that the Town has been ready and willing to sign a contract with Verizon. Verizon is not willing to sign that contract. For residents listening, please spread the word that it's not our (the town's) fault, you can't enter into an agreement by yourself. If you want to write a letter, write it to Verizon.

Councilman Sciliano stated that Harrison is not the only town that they've dropped.

Supervisor Walsh stated she believes the entire town, with the exception of two apartment buildings are wired for Verizon. She further stated that if any resident would like to send a fax to cablevision or Verizon, those numbers could be found on Channel 75.

Councilwoman Amelio stated that the annual Lindsey Bonistall "Peace Outside Campus" 5K race will take place at SUNY, Sunday, October 24th, rain or shine. Ms. Amelio encouraged members of the community to get involved. Anyone who would like to participate could register at www.peaceoutsidecampus.org. She further stated that she, along with other family members and friends will be running in the race. She stated that this is a great organization and a great foundation to get involved with. She encouraged all to join them.

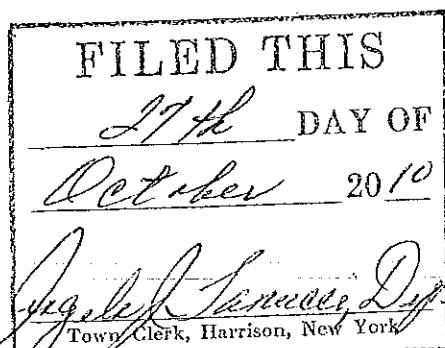
Supervisor Walsh stated that she would be at the "race" but not running. She will be sitting there with her cup of tea encouraging others and to support the Bonistall family.

Supervisor Walsh spoke of a recent accident involving one of the sanitation trucks. She explained that the men pulled the bar that pulls the garbage into the machine when all of a sudden smoke started to come out. When the smoke hit the faces of the sanitation workers it burned. The police, the county and hazmat were immediately notified. The incident was caused by acid. Both men had to go to the hospital and fortunately due to their quick response the men got away from the vapor that was coming out of the truck. The hazmat people took almost two hours to empty the truck and find the source of this incident. They still do not know what the substance was. Mrs. Walsh asked and reminded the residents to be careful with what goes into the trash. These men could have been extremely injured.

Supervisor Walsh congratulated the members of the Police Department for the arrest that was made this past weekend. There were a three youngsters who were breaking into cars in the Park Lane area, a resident saw these youngsters, reported them and by the end of the day the three individuals were arrested.

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ACCEPTANCE OF CORRESPONDENCE AND REPORTS:

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the following correspondence and reports:

- 1a. Monthly report by the Acting Fire Marshal for September 2010.
- 1b. Monthly report by the Building Inspector for September 2010.
- 1c. Monthly report by the Superintendent of Recreation for September 2010.
- 1d. Monthly report by the Chief of Police for September 2010.

2. Notification by Mark Kulewicz, Assistant Vice President of Traffic Safety of AAA, New York that the Town of Harrison has won a Silver Award in the 2010 Community Traffic Safety Awards Program. Supervisor Joan Walsh and Chief of Police Anthony Marraccini are invited to attend the AAA New York's 46th Annual Community Traffic Safety Awards luncheon, on Thursday, October 28th, 11:30 am, at The Carlton, in Eisenhower Park, East Meadow, New York.

3. Notification by Supervisor Joan Walsh that the Town of Harrison is launching a new networking program at the Harrison Public Library aimed at helping local residents who are looking for work. The program is free and open to everyone.

Harrison Job S.E.A.R.C.H. will meet twice a month on the first and third Fridays at the Harrison Public Library for in-person networking sessions. The first meeting will be held Friday, October 22, 2010 from 10:00 am to 12:00 pm. At those sessions, job hunters can meet, hear speakers on various topics of general interest, and have a chance to network with others who are "pounding the pavement" as well.

Adopted by the following vote:

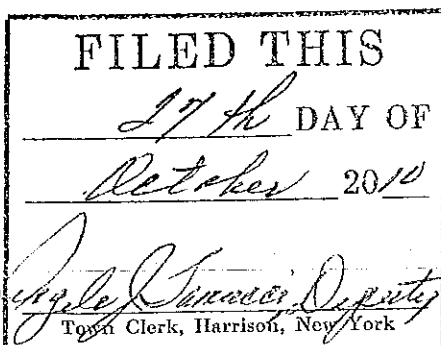
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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PUBLIC HEARING: APPLICATION FOR A SPECIAL EXCEPTION USE PERMIT TO
DEVELOP A CO-LOCATED WIRELESS TELECOMMUNICATIONS FACILITY
ON THE ROOFTOP OF 244 HALSTEAD AVENUE

Anthony Gioffre, attorney with the law firm of Cuddy & Feder appeared on behalf of their client MetroPCS. They are proposing to provide wireless coverage to a portion of the Town/Village that is currently underserved in the general vicinity of Halstead Avenue, Harrison Avenue and I-95. They are proposing to co-locate wireless communication antennas and equipment on the rooftop of the existing building at 244 Halstead Avenue. This application went through an extensive review with the Planning Board and a review by an independent wireless consultant retained by the Town/Village to represent the town to review the application materials to determine compliance with the FCC guidelines. There was no public comment before the Planning Board.

Roberto Porto addressed the Board stating that he opposes this wireless facility. He believes that Harrison has enough antennas on their buildings. He asked if the Town had a law as to how many wireless facilities there could be. He further stated he was concerned about rays causing cancer.

Supervisor Walsh answered no. She added that she was aware of studies regarding the radio rays might cause cancer with an equal number of studies reporting that the rays do not cause cancer. Some residents of a particular area were concerned about cancer causing eliminates. Mrs. Walsh went to Suzi Oppenheimer who sent people in to town to do research and assured those concerned residents that there were no cancer causing eliminates.

Mr. Porto suggested that there should be a law in Harrison regarding the amount of facilities the town should have.

Someone, name not understood, addressed the Board stating that there is a Special Permit law for wireless communications. It doesn't address the number of facilities a building or structure can have but it does address the FCC guidelines that require that we demonstrate compliance with the admissions. A review was submitted that was confirmed by the town's consultant that they paid for representing the town's interest. It was found to be well below the mandates by the federal government. There are limitations placed upon this Board that once a carrier demonstrated compliance with the admissions thresholds, the Board cannot deny application on those grounds. It's really taken out of the Board's hands. It's a federal mandate requirement.

Councilman Cannella stated that he believed it passed the FCC about 12 years ago. When these applications were first introduced there was public opposition, there were a number of litigations, as long as it meets the federal requirements there is nothing that can be done. The federal law pre-empt this area and that's why this moves quickly along.

On motion of Councilman Cannella, seconded by Councilman Sciliano, with all members voting in favor, the hearing was closed.

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FILED THIS

27th DAY OF

October 2010

[Signature]
Deputy

October 19, 2010

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APPROVAL FOR A SPECIAL EXCEPTION PERMIT TO DEVELOP A
CO-LOCATED WIRELESS TELECOMMUNICATIONS FACILITY
ON THE ROOFTOP OF 244 HALSTEAD AVENUE

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Anthony Gioffre, Attorney with the firm of Cuddy & Feder, on behalf of their client MetroPCS New York, LLC, for authorization for a Special Exception Use Permit for MetroPCS New York, LLC, to develop a co-located wireless telecommunications facility, consisting of antennas and associated unmanned equipment, to be located on the rooftop of 244 Halstead Avenue.

FURTHER RESOLVED to forward a Resolution to the Assessor, the Building Inspector, the Commissioner of Public Works and Mr. Gioffre.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

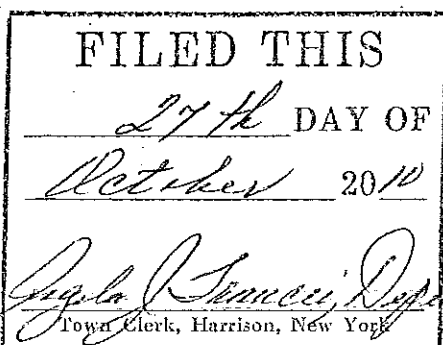
NAYS: None

ABSENT: None

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☒ *Mr. Gioffre*



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APPROVAL FOR THE ADDITION TO THE
RECREATION PART TIME AVAILABILITY LIST

On motion of Councilman Cannella, seconded by Councilwoman Amelio,

it was

RESOLVED to approve the following to the Recreation Part Time Availability List:

NAME

HOURLY RATE

Cameron Ganis

\$6.00

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Recreation Department.

Adopted by the following vote:

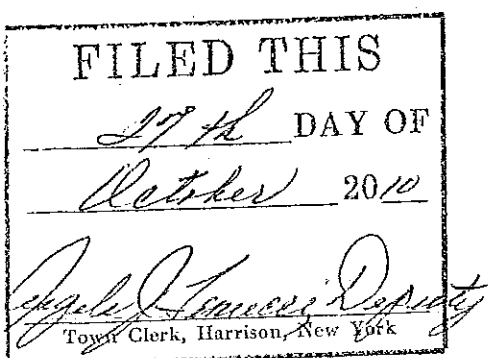
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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AUTHORIZATION FOR SGT. MICHAEL OLSEY TO ATTEND ASHFORD UNIVERSITY
FOR THE 2010 FALL SEMESTER, COST: \$2,459.44

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Chief of Police Anthony Marraccini for authorization for Sgt. Michael Olsey to attend Ashford University for the 2010 Fall Semester at a total cost for tuition and books \$2,459.44 for the following courses:

“Social Justice”

“Ethics and Psychology of Criminal Behavior”

FURTHER RESOLVED that the Comptroller, upon satisfactory completion and submission of Sgt. Olsey’s attendance, and submission of proof of payment, be authorized to audit and pay for expenses as outlined in the contract with the HPA.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Chief of Police.

Adopted by the following vote:

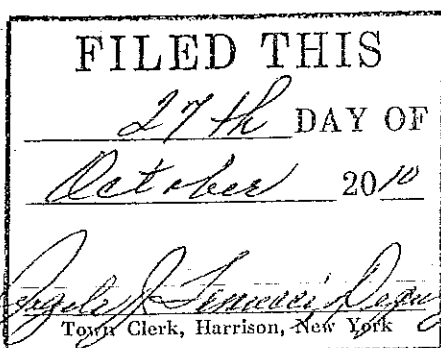
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

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APPROVAL TO SET THE DATE OF NOVEMBER 17, 2010 FOR A PUBLIC HEARING
RE: YAU SUBDIVISION

On motion of Councilman Cannella, seconded by Councilman Vetere,

it was

RESOLVED to approve the request by Steven Silverberg, Attorney with the firm of Silverberg, Zalantis on behalf of their client Yau Subdivision, Block 1001, Lot 1, for authorization to set the date of November 17, 2010 for a Public Hearing for a cluster subdivision on Buckout Road.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department, the Building Inspector, the Commissioner of Public Works and Mr. Silverberg.

Adopted by the following vote:

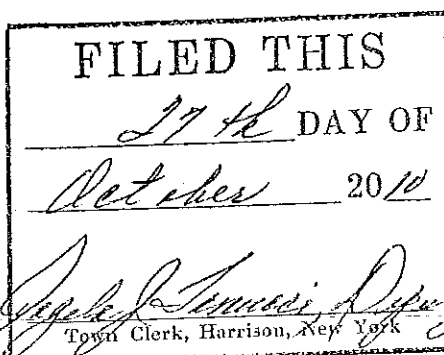
AYES: Councilperson Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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APPROVAL FOR CHANGE ORDER #1 TO THE CONTRACT WITH PCI
RE: 2010 RESURFACING CONTRACT. COST: \$34,033

On motion of Councilman Vetere, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Town Engineer Michael Amodeo for authorization for Change Order #1 to the contract with PCI for work related to the 2010 Resurfacing Contract, in an amount not to exceed \$34,033.

FURTHER RESOLVED that the additional work covered by this Change Order involves the installation of a new storm drain and additional curbing on Pleasant Ridge Road and the installation of asphalt within the shoulder area of Post Place.

FURTHER RESOLVED to authorize the Law Department to increase the upset limit of this contract from \$214,984 to \$249,017.

FURTHER RESOLVED that funding is available through New York State Department of Transportation CHIPS funds.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Town Engineer, the Law Department and the Purchasing Department.

Adopted by the following vote:

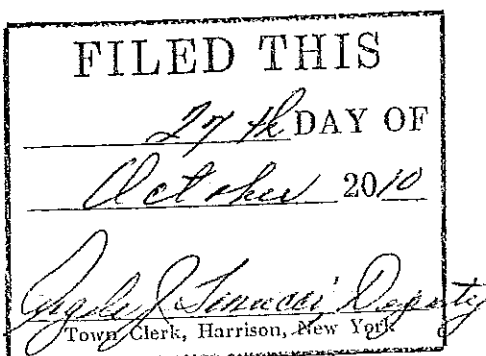
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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AUTHORIZATION FOR THE COURT CLERK TO APPLY FOR A
JUSTICE COURT ASSISTANCE GRANT

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to approve the request by Court Clerk Jacqueline Ricciardi for authorization to apply for a Justice Court Assistance Grant. These funds may be used for a variety of purposes, court facility improvements and mainly for record retention purposes.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Court Clerk.

Adopted by the following vote:

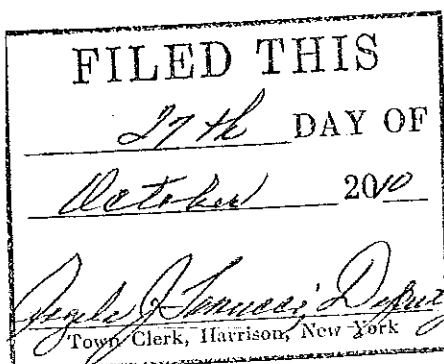
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

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ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE
PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF
REFUNDING BONDS OF THE TOWN OF HARRISON, WESTCHESTER
COUNTY, NEW YORK, ACTING ON BEHALF OF WATER DISTRICT NO. 1
CONSTITUTING FIRE PROTECTION DISTRICT NO. 1, TO BE
DESIGNATED SUBSTANTIALLY "FIRE PROTECTION DISTRICT NO. 1
REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER
MATTERS IN RELATION THERETO AND THE PAYMENT OF THE
BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Town of Harrison, Westchester County, New York acting on behalf of Water District No. 1 constituting Fire Protection District No. 1 (hereinafter, the "District") heretofore issued an aggregate principal amount of \$650,000 Fire Protection District No. 1 (Serial) Bonds, 2000, pursuant to a bond resolution to pay the cost of the purchase of a fire fighting truck, and a bond determinations certificate of the Supervisor (hereinafter referred to as the "Refunded Bond Certificate"), such Fire Protection District No. 1 (Serial) Bonds, 2000, being dated August 15, 2000, with remaining maturities on August 15 in the years 2011 through 2020, both inclusive, as more fully described in the Refunded Bond Certificate (the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the \$365,000 outstanding principal balance of the Refunded Bonds maturing in the years 2011 to 2020, both inclusive, by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Harrison, Westchester County, New York acting as set forth above, as follows:

Section 1. For the object or purpose of refunding the \$365,000 outstanding aggregate principal balance of the Refunded Bonds maturing in the years 2011 to 2020, both inclusive, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$400,000 refunding serial bonds of the District pursuant to

the provisions of either Section 90.10 or Section 90.00 of the Local Finance Law, as appropriate (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$365,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "FIRE PROTECTION DISTRICT NO. 1 REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-10 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law and by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the District by lot in any customary manner of selection as determined by the Supervisor acting as the Treasurer and Chief Fiscal Officer of the District.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the District shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent

(as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the District maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the District for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the District, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said District, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the District, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is also hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the District by the manual or facsimile signature of the Supervisor, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine. It is hereby determined that it is to the financial advantage of the District not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the object or purpose for which such Refunded Bonds were issued is twenty years;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and hereby made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$365,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on said Exhibit A. This Town Board recognizes that the Refunding Bonds may be issued in one or more series, and for the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the District will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Supervisor is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Supervisor; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Supervisor shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Town Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Supervisor is hereby authorized and directed to enter into an escrow contract or contracts (collectively the "Escrow Contract") with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Supervisor shall designate (collectively the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said District are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said District a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the District to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the District irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the District shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the District hereby elects to call in and redeem each of the Refunded Bonds which the Supervisor shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the District in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be

given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to an underwriter to be hereafter determined by the Supervisor (the "Underwriter") for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the District providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the Underwriter in accordance with said purchase contract upon the receipt by the District of said purchase price, including accrued interest.

Section 11. The Supervisor and all other officers, employees and agents of the District are hereby authorized and directed for and on behalf of the District to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Supervisor and all powers in connection thereof are hereby delegated to the Supervisor.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said District is not authorized to expend money, or
 2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

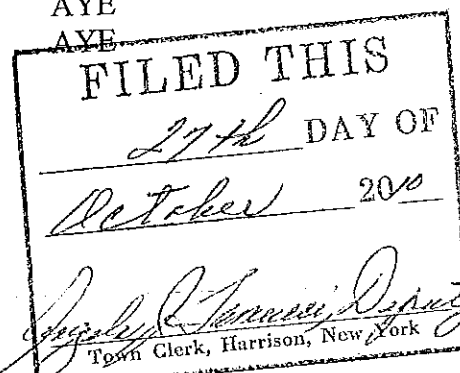
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said District, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Adopted by the following ROLL CALL Vote:

Councilwoman Amelio
Councilman Cannella
Councilman Sciliano
Councilman Vetere
Supervisor Walsh

AYE
AYE
AYE
AYE
AYE



Copies to:

___ Assessor
___ Benefits
___ Bldg
☒ Compt'r
☒ Engrng
___ Law
___ Police
☒ P. Wrks
☒ Purch'g
___ Recr'tn
☒ Supvs'r

October 19, 2010

2010 - - 380

REMARKS RE: LAKE STREET QUARRY

Sam Fanelli addressed the Board stating that two weeks ago Attorney Kraut said that (regarding the Lake Street Quarry), he had a box to go through. He asked if that box had been gone through yet.

Attorney Jonathan Kraut stated that under continuation of this Hearing is scheduled for the next Town Board Meeting. Mr. Kraut further stated that he would prefer not to have a discussion on that issue tonight.

Mr. Fanelli asked Supervisor Walsh if she submitted the pictures that were given to her.

Supervisor Walsh answered yes that she took them up to the Law Department.

Mr. Fanelli submitted another picture, page 29.

Mr. Kraut stated that he did receive pictures that were numbered they would largely be if not irrelevant useless to the board unless you (Mr. Fanelli) somehow prepare something in writing telling when they were taken.

Mr. Fanelli responded that it all started the day after he got the stop work order. He continued by saying that it's quite obvious all these (pictures) were after he started taking the hill down.

Mr. Kraut stated that he wasn't looking to debate this with Mr. Fanelli, but for purposes of administrative record before the Board those photographs were be more helpful or useful if they had dates on them.

Mr. Fanelli responded that he hoped Mr. Kraut would get the chance to go through them (the pictures) and see the destruction day by day, week by week, and wants addressed when the hill is going to be rebuilt. At the present time people were in the back yards a couple of days ago measuring for the fence that he has a permit 6' 6 to put up. It really doesn't bother Mr. Fanelli because it's so far down the end of his yard but it's going to look ugly unless you rebuild the hill so, he (Mr. Barrego) is going to waste his time putting a fence up. Mr. Fanelli knows that Mr. Barrego is going to put the fence behind the other neighbors, which they're opposed to, but Mr. Barrego does have the right to install a fence on the property but as far as putting the fence behind Mr. Fanelli's house, he (MR. Fanelli) showed the Board that Mr. Barrego is taking 38 foot of the hill. Mr. Fanelli needs to have that hill rebuilt with stone and dirt and make another berm and if Mr. Barrego he wants to still put a fence at the bottom, Mr. Fanelli will take a fence, he's sure that will look very nice but it won't shield anything and we're headed toward the winter and those pictures Mr. Fanelli gave shows specifically what the view looks like in the winter. There is no reason he (Mr. Fanelli) should have to live with that for another winter. There's no reason you can't force him to start rebuilding the hill now because it's part of the set backup he had taken down. Mr. Fanelli doesn't thing he should have to wait any longer for you (the board) to start making a motion on at least having him (Mr. Barrego) rebuild that hill. Mr. Fanelli would

like to know where we're headed with that.

Supervisor Walsh asked if Attorney Jonathan Kraut will answer.

Mr. Kraut stated that he didn't know the question was directed at him since he started out by saying that this matter had not been scheduled for this evening and since a property owners rights are at stake and this is the Board that's hearing it he would prefer not to have any substantive discussions about it until the meeting at which it's scheduled. Second of all if you feel that's there's an immanent issue that requires readdress under the zoning or building code that goes to the Building Inspector not the Town Board. The only reason the issue is before the Town Board is based on an appeal that's been taken to the Town Board.

Mr. Fanelli asked who is going to make the determination of when his hill gets rebuilt. What board.

Mr. Kraut stated that he already said he didn't want to have a substantive discussion about it.

Mr. Fanelli asked if Mr. Kraut would have answers for him at the next meeting.

Mr. Kraut responded that he couldn't promise that he would have answers for anything but at the next meeting we'll be prepared to discuss the subject because that's the date it's been scheduled for.

Mr. Fanelli stated that this has been dragging on way to long, its eighteen months now. There's no more information you could gather, he given 29 pages of pictures, showing you everything that's been going on from before it happened to the present day. He hopes that Mr. Kraut takes the time to go through the 29 pages, there's 38 photos and not to be facetious but you don't have to be a rocket scientist to see what went on there (Lake Street Quarry). He hopes it gets addressed and settled by the next meeting where we're going to decide where we're headed with this because to keep coming every two weeks...

Mr. Kraut interrupted stated that he noticed Mr. Fanelli's comments are directed to him, we're counsel to the Board, ultimately it's the Board that's going to make any decision that's appropriate.

Mr. Fanelli said: they're (the Board) is going to take some input from you (Mr. Kraut) in executive session, then come out one day and make a motion.

Mr. Kraut: he would hope that they would take advice from their (the Board's) attorneys but ultimately the Board will decide how they wish rule on subjects that are before them. It's not necessarily so that the subject before them encompasses every issue that you've raised in the last weeks and months.

FILED THIS

Mr. Fanelli: okay, but if he (Mr. Barrego) didn't have the right to take the hill down, it should be rebuilt DAY OF

October 2010

Copies to:

Assessors
Be
Bl
Comm
En
Law
Pe
P.A.
Pu
Re
Sup

October 19, 2010

2010 - - 381

MATTERS FOR EXECUTIVE SESSION:

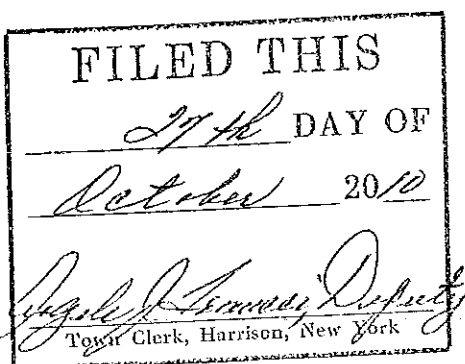
Advice of Counsel	3
Personnel	2
Litigation	2
Settlement of Claim	2
Matter of Contract	1

On motion duly made and seconded,
with all members voting in favor,
the Meeting was recessed for Executive Session at 8:10 PM.

On motion duly made and seconded,
with all members voting in favor,
the Meeting was reconvened at 10:30 PM.

Copies to:

- ☐ Assessor
- ☐ Benefits
- ☐ Bldg
- ☒ Compt'lr
- ☒ Engrng
- ☒ Law
- ☐ Police
- ☒ P. Wrks
- ☒ Purch'g
- ☐ Recr'tn
- ☒ Supvs'r



October 19, 2010

2010 - - 382

AUTHORIZATION FOR THE LAW DEPARTMENT TO
NEGOTIATE THE SETTLEMENT OF CLAIM
FUGAZY v TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Law Department to negotiate the settlement in the matter of Fugazy v Town of Harrison as discussed in Executive Session.

FURTHER RESOLVED to forward a copy of this Resolution to the Law Department and the Comptroller.

Adopted by the following vote:

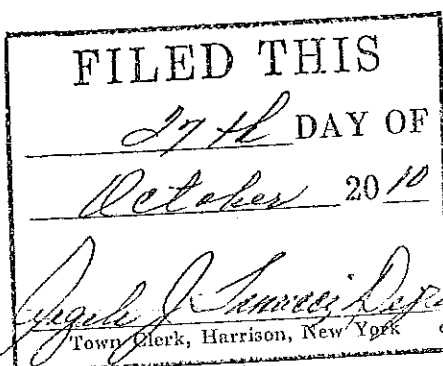
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'lr
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Rec'd'n
☒ Supvs'r
☐



October 19, 2010

2010 - - 383

SETTLEMENT OF CLAIM
LANTZ v TOWN OF HARRISON

On motion of Councilman Sciliano, seconded by Councilwoman Amelio,

it was

RESOLVED to settle the claim in the matter of Lantz v Town of Harrison in the amount of \$1,269.17 for automobile damages.

FURTHER RESOLVED that this settlement is subject to the claimant signing a General Release.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller and the Law Department.

Adopted by the following vote:

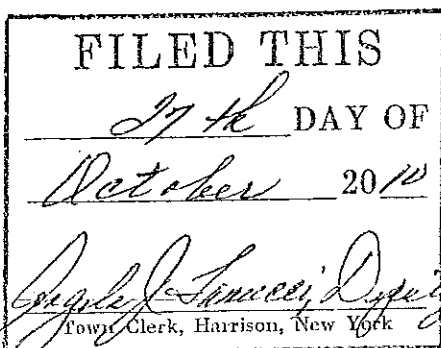
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r



October 19, 2010

2010 - - 384

AUTHORIZATION FOR THE SUPERVISOR TO ENGAGE POMCO AS
A THIRD PARTY ADMINISTRATOR FOR WORKMAN'S COMPENSATION
AND LIABILITY CLAIMS

On motion of Councilman Sciliano, seconded by Councilman Cannella,

it was

RESOLVED to authorize the Supervisor to engage Pomco as a Third (3rd) Party Administrator for Workmen' Compensation and subject to the approval by the Town's excess liability carrier, to name Pomco as TPA for liability claims.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller, the Personnel Manager and the Law Department.

Adopted by the following vote:

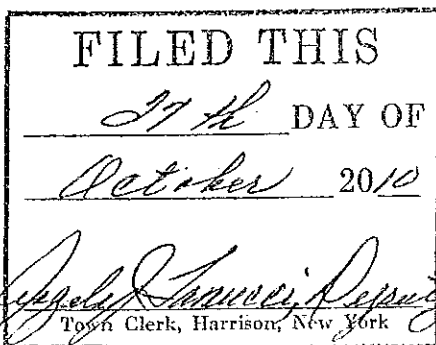
AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

NAYS: None

ABSENT: None

Copies to:

☐ Assessor
☐ Benefits
☐ Bldg
☒ Compt'r
☒ Engrng
☒ Law
☐ Police
☒ P. Wrks
☒ Purch'g
☐ Recr'tn
☒ Supvs'r



October 19, 2010

2010 - - 385

AUTHORIZATION FOR THE COMPTROLLER AND THE STAFF
ASSISTANT/FINANCIAL ADMINISTRATOR TO ATTEND A WORKSHOP
WITH THE NEW YORK STATE COMPTROLLER'S OFFICE

On motion of Councilwoman Amelio, seconded by Councilman Cannella,

it was

RESOLVED to authorize Comptroller Maureen MacKenzie and Staff Assistant/Financial Administrator Anna Maria Roberto to attend a workshop with the New York State Comptroller's Office on Multi Year Financial Planning on November 3, 2010, in Albany, New York, at no cost to the town.

FURTHER RESOLVED to forward a copy of this Resolution to the Comptroller.

Adopted by the following vote:

AYES: Councilpersons Amelio, Cannella, Sciliano and Vetere
Supervisor Walsh

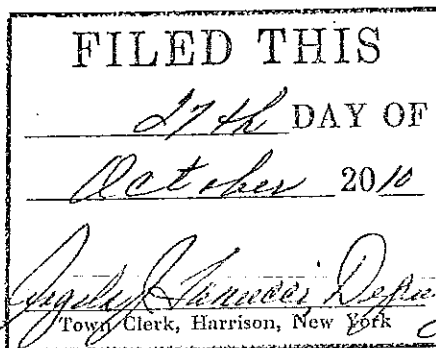
NAYS: None

ABSENT: None

There being no further matters to come before the Board,
the Meeting was, on motion duly made and seconded,
with all members voting in favor, declared closed at 10:30 PM.

Respectfully submitted,

Angela J. Tamucci
Deputy Town Clerk



Copies to:

— Assessor
— Benefits
— Bldg
✓ Compt'r
✓ Engrng
— Law
— Police
✓ P. Wrks
✓ Purch'g
— Recr'tn
✓ Supvs r
—